

## United States District Court

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Jeremiah HAWTHORNE (USA)

United States District Court  
Southern District of Texas  
FILED

Case Number: M-20- 1789 -M

SEP 10 2020

David J. Bradley, Clerk

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about 09/09/2020 in Starr County, inthe Southern District of Texas the defendant(s)

(Track Statutory Language of Offense)

21 USC 841 - Possession with Intent to Distribute Marijuana, approximately 214.5 kilograms, a schedule I controlled substance.

in violation of Title 21 United States Code, Section(s) USC 841I further state that I am a(n) DEA Special Agent and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

Yes X No

Approved by: AUSA Patricia Cook Profit

Submitted by reliable electronic means, sworn to and attested  
to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

September 9, 2020 @ 12:09 PM

Juan Alanis, U.S. Magistrate Judge  
Name and Title of Judicial Officer

/s/ Patrick Zaruba

Signature of Complainant

Patrick Zaruba

DEA Special Agent

Signature of Judicial Officer

ATTACHMENT I

On September 9, 2020, DEA Special Agent Patrick Zaruba was contacted by United States Border Patrol (USBP) Agent Vilano and advised of the following information:

On September 9, 2020, United States Border Patrol (USBP) SOD MRT Agents were conducting surveillance in fixed positions south of Los Barrera's Road, in La Rosita, Texas. This area is a notorious crossing point for narcotics and numerous seizures have occurred in this area. SOD MRT agents set up in strategic locations to observe any potential smuggling activity and additional SOD units provided mobile backup.

USBP Agent Mark Joffre was positioned north of the Tamarindo area watching for any vehicles dropping into the river and any potential ground scouts. At approximately 5:30 p.m., the C2 Raid tower operator Joles, observed a black SUV on the Mexican side near the Tamarindo landing going to the river area south of Los Barreras. Based on USBP officer experience, this SUV commonly drops off scouts for narcotic and alien smugglers operating in the area.

At approximately 7:00 p.m., Agent Joffre observed several subjects "scouting" the brush area near the Papa Gate, south on Los Barrera's Road. Ground scouts commonly search the area for agents or law enforcement personnel prior to any smuggling attempt. The subjects continued to scout the area for approximately 30 minutes and shortly thereafter, Agent Joffre observed a blue GMC Yukon drive south from the Papa Gate area towards the Tamarindo Landing at a high rate of speed. Two "scouts" opened two of the gates for the vehicle to enter the property.

Approximately five minutes later, the GMC Yukon drove north through the Papa Gate at a high rate of speed. The vehicle appeared heavily laden as if being loaded with illegal aliens or narcotics as it proceeded north past the subjects holding the gates open. Agent Joel Zavala was providing mobile backup and was alerted to the suspicious vehicle traveling north from the Papa Gate area on Los Barrera's. He restricted normal communications with RGV Sector Dispatch and responded to Los Barrera's road to try and intercept the vehicle.

As he was responding, Agent Zavala advised that the GMC Yukon had turned around and was heading south on Los Barrera's Road. Agent Joffre confronted the scouts at the Papa Gate, and identified himself as a Border Patrol Agent. The two subjects absconded from the gate area and ran into the brush and Agent Joffre closed the main gate to keep livestock from leaving the property. The driver continued south towards the Papa Gate and came to a stop after observing Agent Joffre at the gate. The driver immediately attempted to reverse the vehicle up a small hill and ended up rolling the vehicle over.

Agent Zavala arrived at the rollover and observed a male subject wearing blue jeans and a light brown shirt climbing out of the driver's side of the vehicle. Agent Zavala identified himself as a Border Patrol Agent and attempted to arrest the driver, who ran north from the vehicle towards a two-story house. Agent Zavala pursued the subject and grabbed him by the arm and attempted to take him into custody. The driver, later identified as Jeremiah HAWTHORNE began to struggle with Agent Zavala by placing his hands on him and attempting to overpower him. Agent Zavala tripped and fell to the ground during the struggle and the driver backed away and stated "If you come at me, I will kill you!", and reached into his pocket. Agent Zavala, fearing for his safety, deployed a stinger ball grenade approximately 15 feet away

from the subject. Agent Joffre overheard Agent Zavala yelling for help as he was struggling with the subject and he responded to his location.

Agent Zavala relayed that the subject was running north through the brush close to the two story house. Agent Joffre observed the subject running north through the brush going towards Guadalupe Road. The subject ignored commands to stop and jumped another fence while attempting to abscond. Agent Joffre instructed the subject to stop and show him his hands and he failed to comply. Agent Joffre drew his service issued firearm on the subject and forced the subject to the ground. The subject resisted arrest and was eventually handcuffed and taken into custody. The driver immediately began to complain that he was having trouble breathing and was handcuffed in the front. He also complained of chest pains and was hyperventilating. Agent Joffre immediately requested any on duty Border Patrol EMT and EMS to respond to the area while he monitored the conscious subject's vital signs. SBPA Faustino Ramos arrived at the scene along with Agent Ladd to monitor the subject's condition. BPA Armando Flores and Eduardo Garcia arrived at the scene and assisted in securing the area and subject.

Acadian ambulance services arrived at the scene and transported the subject to McAllen Medical Center. The subject did state to SBPA Ramos that he had been using crack cocaine prior to his arrest.

The bundles of narcotics were located inside of the vehicle in plain view. The bundles of narcotics transported in by Agent Armando Flores to the Rio Grande City Border Patrol Station for processing. The contents of the bundles were tested using the NarcoPouch, 908 Duquenois-Levine Reagent test. The test resulted positive for marijuana. The weight of the marijuana was determined to be 214.5 kilograms.

HAWTHORNE was then transported by USBP to the DEA McAllen office. Once at the DEA McAllen Office, DEA Task Force Officer (TFO) Joseph Lucio advised HAWTHORNE of his Miranda Rights to which he advised he understood. HAWTHORNE advised Agents that at approximately 2:00 pm, he was asked by individuals he did not wish to name to 'work'. HAWTHORNE further advised he drove a vehicle to the river where he saw 'Mexicans' waiting. HAWTHORNE stated as he was driving he then saw Border Patrol Agents and attempted to flee. As he attempted to flee the vehicle crashed and he was almost crushed by a bundle of marijuana. HAWTHORNE advised he was going to be paid \$1000.00 for transporting the narcotics. HAWTHORNE further stated he was instructed to drive the vehicle to an area he described as being Guerra Garza Road in Rio Grande City.